

SCHEDULE 1

CALCULATION OF N AND M

PART IV

INCOME OF CHILD TREATED AS INCOME OF PARENT

17. The amount of any income of a child which is to be treated as the income of the parent in calculating or estimating N and M shall be the aggregate of the amounts determined in accordance with this Part.

18. Where a child has income which falls within the following paragraphs of this Part and that child is a member of the family of his parent (whether that child is a qualifying child in relation to that parent or not), the relevant income of that child shall be treated as that of his parent.

19. Where child support maintenance is being assessed for the support of only one qualifying child, the relevant income of that child shall be treated as that of the parent with care.

20. Where child support maintenance is being assessed to support more than one qualifying child, the relevant income of each of those children shall be treated as that of the parent with care to the extent that it does not exceed the aggregate of—

- (a) the amount determined under—
 - (i) regulation 3(1)(a) (calculation of AG) in relation to the child in question; and
 - (ii) the total of any other amounts determined under regulation 3(1)(b) [^{F1}and (c)] which are applicable in the case in question divided by the number of children for whom child support maintenance is being calculated, less the basic rate of child benefit (within the meaning of regulation 4) for the child in question; and
- (b) [^{F2}one-and-a-half times] the total of the amounts calculated under regulation 3(1)(a) (income support personal allowance for child or young person) in respect of that child and regulation [^{F3}3(1)(c)(i)] (income support family premium).

Textual Amendments

- F1** Words in Sch. 1 para. 20(a)(ii) substituted (7.4.1997) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(b), **17(3)(a)**
- F2** Words in Sch. 1 para. 20(b) substituted (18.4.1995) by [The Child Support and Income Support \(Amendment\) Regulations 1995 \(S.I. 1995/1045\)](#), regs. 1(2), **54(10)** (with regs. 62, 64)
- F3** Words in Sch. 1 para. 20(b) substituted (7.4.1997) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(b), **17(3)(b)**

21. Where child support maintenance is not being assessed for the support of the child whose income is being calculated or estimated, the relevant income of that child shall be treated as that of his parent to the extent that it does not exceed the amount determined under regulation 9(1)(g).

22.—[^{F4}(1)] Where a benefit under the Contributions and Benefits Act includes an adult or child dependency increase in respect of a relevant child, the relevant income of that child shall be calculated or estimated as if it included that amount.

[^{F5}(1A)] For the purposes of sub-paragraph (1), an addition to a contribution-based jobseeker's allowance under regulation 9(4) of the [Jobseeker's Allowance \(Transitional Provisions\) Regulations](#)

Status: Point in time view as at 07/04/1997.

Changes to legislation: There are currently no known outstanding effects for the The Child Support (Maintenance Assessments and Special Cases) Regulations 1992, PART IV. (See end of Document for details)

1995 shall be treated as a dependency increase included with a benefit under the Contributions and Benefits Act.]

Textual Amendments

- F4** Sch. 1 para. 22(1): Sch. 1 para. 22 renumbered as Sch. 1 para. 22(1) (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, **6(4)(b)**
- F5** Sch. 1 para. 22(1A) added (7.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 (S.I. 1996/1345), regs. 1, **6(4)(b)**

- 23.** For the purposes of this Part, "the relevant income of a child" does not include—
- (a) any earnings of the child in question;
 - (b) payments by an absent parent in respect of the child for whom maintenance is being assessed;
 - (c) where the class of persons who are capable of benefiting from a discretionary trust include the child in question, payments from that trust except in so far as they are made to provide for food, ordinary clothing and footwear, gas, electricity or fuel charges or housing costs; or
 - (d) any interest payable on arrears of child support maintenance for that child^{F6};
 - (e) the first £10 of any other income of that child]

Textual Amendments

- F6** Sch. 1 para. 23(e) added (18.4.1995) by The Child Support and Income Support (Amendment) Regulations 1995 (S.I. 1995/1045), regs. 1(2), **54(11)** (with regs. 62, 64)

24. The amount of the income of a child which is treated as the income of the parent shall be determined in the same way as if such income were the income of the parent.

Status:

Point in time view as at 07/04/1997.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Maintenance Assessments and Special Cases) Regulations 1992, PART IV.